

There is another bill at the desk I hope we can work on over the course of today or tomorrow, the Syria Accountability Act. Another issue we have been working on in a bipartisan way and I want to address before we adjourn is the issue of gun liability.

One final comment has to do with an entirely different issue, and that is the progress being made in Sudan. Secretary Powell has made statements, after a recent visit there, that real progress is being made in terms of peace in a country that has been in a civil war for the last 20 years. Over 2 million people have died in Sudan, and over 5 million people have been displaced from their homes as a product of this civil war.

I go to southern Sudan each year as part of medical mission works. I was just there about 5 or 6 weeks ago. I want to share my optimistic view, based on that recent visit working in hospitals and with patients and with civilians in southern Sudan, that this peace act is making real progress. I think the United States has played a major role in facilitating the process.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the update of the majority leader this morning. I commend him for coming back to the appropriations bills. No one cares more about that than the President pro tempore. There is a lot of interest on both sides of the aisle in working diligently to try to finish the appropriations bills this week and next week.

I am a little concerned about the longer list of other items the majority leader mentioned, even though I recognize many of us share his desire to bring up these bills at some point soon. I hope we can reach agreement on the Fair Credit Reporting Act in the next day or so, so we can accommodate its consideration. The Internet tax bill is something I think we ought to be able to work through as well.

He didn't mention but there is still a possibility that we could reach some agreement on asbestos or on class action as we work over the next couple of weeks. I have indicated, in the most heartfelt way, that we would like to negotiate and work with him to find ways to address those issues. He didn't mention them, but I know they are priorities of his as well.

We have a lot of work to do in a very short period of time. But I think it is important, first and foremost, to try to finish these appropriations bills in a way that will allow us to conference each bill and then work to try to resolve our differences with the House.

I still have, unfortunately, grave reservations about the way we have conducted our conferences. I read more about what happens in conference as the Democratic leader than I get from

even my Democratic Members who are supposed to be conferees. We can't conduct business that way. I am concerned about that. It will affect, of course, our ability to go to conference on future bills, even if we are able to pass them here.

We are off to a good start today on appropriations. I hope we can deal with Transportation, the District of Columbia, other bills that deserve our consideration.

I think we will receive a fairly expeditious review and debate so we can move these bills on. I thank the majority leader for his update. I look forward to working with him throughout the day.

Mr. FRIST. Mr. President, I am a little hesitant to add to my list of things to do after what we just heard. But as my colleague, Senator DASCHLE, mentioned, on the class action legislation I think we made headway yesterday. With that vote yesterday, a lot of people have come forward and said this is something we can do. Asbestos is something we are working on diligently as well.

I wish to add one other thing, and that is Healthy Forests. We are very close on that as well. It is an important issue to the American people. I think that, too, is one we can complete before we adjourn.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 60 minutes, with the first 30 minutes under the control of the minority leader or his designee and the second 30 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

Who yields time?

Mr. REID. Mr. President, I yield 10 minutes to the Senator from Nebraska, and I ask unanimous consent that both sides have their full 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nebraska is recognized for 10 minutes.

RETIREE HEALTH BENEFITS

Mr. NELSON of Nebraska. Mr. President, I am speaking today on what I think is an extremely important issue that is getting a considerable amount of attention today, and that is the prescription drug benefit as part of the Medicare Program, which is also being considered in conference at this very moment.

As the minority leader has said, very often it is possible to read more about what is going on in the conference on

Medicare than it is to find out this kind of information here. I might point out, as a matter of personal interest, one of the major reasons Nebraska has a unicameral legislature is that they wanted to do away with the conference committee system. At times, that certainly appeals to me back here.

I come to the floor today to discuss this critically important issue that is now being considered in the prescription drug bill, and that is retaining retiree health benefits. If this problem is not addressed—and from some of the information I am receiving through various sources, it may be under consideration at this moment—but if it is not addressed and solved, my colleagues and I will be forced to choose between the impossible—the haves and the have-nots—those who have coverage as retirees, with benefits being provided by a former employer, and want to keep it, and those who don't have the coverage and need it.

It will be a war between seniors. It is an impossible decision that should not have to be made. Our first priority should be first to do no harm. Usually, we are faced with decisions between children and seniors, between this group and that group—a group typically seeking additional help. It is always a double-edged sword, but it is an impossible decision that this Senate and this Congress should not and must not make.

I know this issue is also important to the conferees. They have been grappling with trying to make sure that those who have coverage keep it while those who need coverage get it. News reports today suggest they are close to reaching some sort of deal on how to entice employers to continue to provide retiree benefits. I commend them for their work in trying to get that done and addressing that issue. I hope they are successful in being able to accomplish it.

Employer-sponsored retiree health benefits are the single greatest source of coverage for retirees, providing drug coverage for one in three Medicare beneficiaries. Retiree coverage is declining, though, and it is declining dramatically. Just 34 percent of all large firms—200 or more workers—offered retiree benefits in 2002. That is down from 68 percent of all large firms in 1988. In a little more than 10 years, the number has been cut in half. But there are still those who presently receive the benefits, and we cannot ignore the fact that they do have those benefits.

Drug costs continue to constitute 40 to 60 percent of employers' retiree health care costs, and steep price increases are prompting employers to eliminate drug benefits, cap their contributions, or drop retiree coverage altogether. The spiraling costs relating to prescription drugs continue to threaten the continued provision of those benefits.

Due to budget constraints, the Senate and House bills use the definition of out-of-pocket costs that would not

allow employer contributions to count for meeting the catastrophic cap on beneficiary spending.

This means, in understandable terms, that retirees with employer-provided coverage will get less of a benefit than other seniors. In fact, under the Senate bill, retirees would need closer to \$10,000 in drug costs before the stop-loss protection would apply, well after the \$5,800 cap that applies to all other beneficiaries. And employers that choose to wrap around the Medicare benefit would be subject to a gap in coverage that doesn't end.

As a result, the Congressional Budget Office has estimated slightly more than one-third of retirees will lose their employer coverage, making more than 4 million Medicare beneficiaries worse off at a time when we are trying to make them better off.

Although Congress may claim this formula will save money for Medicare, any provision that encourages employers to drop their retiree benefits will only end up costing the Federal Government more and hurt millions of seniors in the process. Seniors who have retiree benefits have worked a lifetime and have made wage concessions over the years with the expectation that they would have retiree benefits in exchange. To change the rules of the game at this point and give them less than the other Medicare beneficiaries is, in a word, unfair.

Congress must now enact a drug benefit that recognizes employers that are doing the right thing, continuing to provide their retirees these very important benefits, because to do otherwise will further threaten retiree coverage and will drive millions more seniors to Medicare for the coverage they used to get from their employers. This is a choice that might be put before us, but this is not a choice we should make. We should not have to decide between Lee and George and Mary and John. These are not decisions that this Congress should be forced to make. There are solutions.

I am encouraged when I hear the conferees are looking at these solutions, but I encourage, in the most dramatic way possible, that they not only continue to work, but they find solutions that are workable, because without that the choice is an impossible one and I think threatens whether or not this body will pass a Medicare plan that provides prescription drugs for retirees.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

PRISONERS OF WAR PROTECTION

Mr. REID. Mr. President, a brave Nevadan by the name of LTC Jeffrey Tice was in the first Iraq war. He was flying an F-16 when it was hit by enemy fire. The plane went down. He was initially captured by Iraqi troops who were roaming the desert. He was, shortly thereafter, taken to the Iraqi authori-

ties, which began 46 days of terror. He was held in captivity and tortured by the Iraqis for these 46 days.

During the time he was there, he endured brutalities that are difficult to describe. They intended to break his spirit and his body. For example, he was forced to play Russian roulette. You know that Russian roulette only is a valid game when the revolver has bullets in the chamber. And, of course, he was forced to play Russian roulette with a loaded weapon. With the same pistol, he was beaten about the head. Among other things, his jaw was dislocated, his eardrum was punctured, and on other occasions he was beaten on the head. His legs were beaten with a wooden plank until he could not walk. He had an electric wire tied around his head. The shocks received were so severe that his body curled up in a fetal position violently, with every muscle in his body contracting in pain.

These are only some of the things the Iraqi regime did to Colonel Tice. They did not break his spirit, but they did harm his body. Today, these many years later, he still suffers physical problems as a result of the torture. Not only does he have physical problems, he still suffers pain as a result of the torture.

In 1996, we passed the Foreign Sovereign Immunities Act, which allowed State Department-designated terrorist states, including Iraq, to be held liable for personal injuries suffered by torture victims, including American POWs. In November of 2002, President Bush signed the Terrorism Risk Insurance Act, which included a provision designed to ensure that Americans could collect court-ordered damages from the frozen assets of terrorist states. During this time, 17 gulf war POWs and their families sued the Republic of Iraq. Saddam Hussein was also sued, as well as the Iraqi Intelligence Service.

They filed these actions to seek justice for themselves—like Colonel Tice, those people who were brutalized—and to prevent future torture of others. In July, Judge Richard Roberts of the Federal district court ruled against Iraq, Saddam Hussein, and the Iraqi Intelligence Service, and found them liable for the torture of these POWs. In his opinion, Judge Roberts said, among other things, the importance of his decision was to deter the future torture of American POWs.

His judgment was correct. It was appropriate. But the State Department and Justice Department have refused to honor it. Earlier this year, the President confiscated the \$1.7 billion in Iraqi assets that have been held in private banks since 1990. The money was sent back to Baghdad for use in the reconstruction, a move which effectively blocked the efforts of tortured POWs to collect judgments in their favor. The administration has continued to spend this money knowing full well this judgment is pending.

At the same time, the Department of Justice asked Judge Roberts to allow it

to intervene in the case, stating its intention to have the judgment erased. Judge Roberts, in his wisdom, declined to allow this.

These brave POWs made great sacrifices to protect the freedoms we have, the ability we have to salute the flag and to do things we take for granted. They now need our help.

I am pleased to report the Senate took action last week to uphold the rights of the POWs and all Americans to be free from torture, hostage-taking, and acts of terrorism committed by foreign dictators and tyrants. My amendment, which was accepted as part of the supplemental Iraqi budget request, makes perfectly clear the longstanding intent of Congress that those who torture and abuse U.S. citizens can and should be held accountable.

Saddam Hussein was a tyrant who committed despicable acts. He committed atrocities against his own people and against Americans. In fact, as we speak, many believe he is behind the continuing attacks that are taking place in Iraq today.

Now, in a real irony—or, perhaps better stated, an unreal irony—our Justice Department is trying to shield Saddam and his former regime from the accountability American law demands. My amendment, which was accepted, would have protected the rights of private citizens, including three brave Nevadans who were captured, taken hostage, and used as human shields by Saddam Hussein during his first gulf war. All of these brave heroes who were tortured at the hands of Saddam Hussein are merely seeking to hold Iraq accountable for its crimes and deter the torture of any American citizen by a terrorist state in the future.

The civilized world cannot let such crimes go unpunished. The perpetrators must be held to account. I hope the conferees and the President will accept this amendment in the conference and not let the current system go forward.

Justice must prevail, and if these people are not allowed to go forward with the judgment they have obtained and the protection they demand, it would not be a good day for American justice.

The PRESIDENT pro tempore. The Senator from Kansas.

ORDER OF PROCEDURE

Mr. ROBERTS. I ask unanimous consent to speak out of order for 10 minutes. I know it is the minority's time.

Mr. REID. We have no one in the Chamber so that would work out fine. Certainly the request by the Senator from Kansas is one that is fair, and I ask unanimous consent that the Chair approve his request.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kansas is recognized.